

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:11-HC-2178-BR

UNITED STATES OF AMERICA)	
)	
v.)	<u>ORDER</u>
)	
ENOC ALCANTARA-MENDEZ)	
)	

On 12 March 2012, respondent was committed to the custody and care of the Attorney General pursuant to 18 U.S.C. § 4246(d). (DE # 26.) This matter is now before the court on two *pro se* motions submitted by respondent in the form of letters that were filed on 19 March 2012 and 26 April 2012. (DE ## 28, 32.) In both motions, respondent requests that his civil commitment be “vacated” on the ground of ineffective assistance of counsel. (See DE # 28 at 2; DE # 36 at 7.) Although respondent has not explicitly asked the court to release him from custody, he is obviously challenging the legality of his civil commitment. However, respondent’s assertion of an ineffective assistance of counsel claim in this proceeding is not an appropriate vehicle for challenging the basis of his civil commitment. Thus, having fully considered the motions, they are DENIED. Furthermore, to the extent that respondent seeks a new attorney based on a conflict of interest or to the extent that he seeks any additional relief, the

motions are also DENIED.¹

This 4 May 2012.

A handwritten signature in green ink, appearing to read "W. Earl Britt", is positioned above a horizontal line.

W. Earl Britt
Senior U.S. District Judge

¹ The court also notes that part of respondent's conflict with his attorney relates to the attorney's alleged refusal to file a motion to select a substitute mental health examiner. (See DE # 32 at 3 ¶ 3.) Contrary to respondent's assertions, counsel did in fact file such a motion on 8 February 2012. (DE # 20.) The court denied the motion on 16 February 2012. (DE # 23.)